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OFFICE OF PETITIONS

FULBRIGHT & JAWORSKI, LLP
666 FIFTH AVE
NEW YORK NY 10103-3198

In re Application of :
Miyazono et al. :
Application No. 10/630,555 : DECISION ON PETITION
Filed: July 30, 2003 :
Attorney Docket No. NY- LUD 5298.5-DIV- :
US :

This is a decision on the petition filed March 28, 2007, requesting under 37 CFR 1.182 that the acceptance of the terminal disclaimer filed October 11, 2006 be withdrawn

The petition is **Dismissed**.

Any request for reconsideration of this decision should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely (see 37 CFR 1.181(f)). No extensions of time pursuant to the provisions of 37 CFR 1.136 are permitted. If reconsideration is not requested within the time period specified above, this application will be referred to Art Unit 1646.

Petitioners assert that, as the claims for which the aforementioned terminal disclaimer was originally proffered have now been amended [cancelled] to remove the basis for the previous obviousness-type double patenting rejection, there is no further need for the disclaimer to remain recorded against this application. The undersigned has consulted with the examiner in charge of this application, and has found that the examiner disagrees with petitioners' assertion.

Pursuant to petitioner's request deposit account no. 50-0624 will be charged the \$400.00 petition fee.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300

By delivery service:
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Telephone inquiries related to this decision should be addressed to the undersigned at (571) – 272-3215

A handwritten signature in black ink, reading "Charlema R. Grant". The signature is written in a cursive, flowing style.

Charlema R. Grant
Petitions Attorney
Office of Petitions